

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Adel Portillo,

NO. C 08-00190 JW

v. Plaintiff,

**ORDER VACATING HEARING ON
ORDER TO SHOW CAUSE; SETTING
DEADLINE FOR SERVICE OF PROCESS;
SCHEDULING CASE MANAGEMENT
CONFERENCE**

Nader Sarneveslit,

Defendant.

On May 29, 2008, the Court issued an Order to Show Cause Re: Dismissal because Plaintiff had failed to serve Defendant within the time period required by Rule 4(m) of the Federal Rules of Civil Procedure. (See Docket Item No. 5.) Plaintiff was required to submit a written certification explaining his failure to serve and to appear before the Court on June 16, 2008. (Id.)

Plaintiff has complied with the Order by submitting a written certification. (See Docket Item No. 7.) Plaintiff states that he has not completed service of process because he has been unable to locate Defendant. (Id.) Plaintiff requests an additional forty-five days to locate and serve Defendant. (Id.)


In light of the certification, the Court VACATES the June 16, 2008 hearing and orders as follows:

1. Plaintiff shall serve Defendant with the Summons, Complaint, and a copy of this Order on or before **August 11, 2008**.

2. The parties shall appear for a Case Management Conference on **September 15, 2008 at 10 a.m.** Pursuant to the Civil Local Rules, the parties shall meet and confer and submit a joint case management conference statement by **September 5, 2008.**

Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss this action.

Dated: June 12, 2008



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Adam Wang waqw@sbcglobal.net

3 **Dated: June 12, 2008**

Richard W. Wieking, Clerk

5 By: /s/ JW Chambers

6 **Elizabeth Garcia**
7 **Courtroom Deputy**